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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,674	09/12/2003	Tetsu Fukuda	03560.003364	7692

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EXAMINER

SINARS, JAMES R

ART UNIT	PAPER NUMBER
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2635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/660,674	Applicant(s) FUKUDA ET AL.	
	Examiner JAMES R. SINARS	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The disclosure is objected to because of the following informality:
Para. 0005, Line 1 reads, "At preset...". It should read, "At present...".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

- (e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 1-17 are rejected under U.S.C. 102(e) as being anticipated by Russ et al., U.S. Patent Application 20040068739.

Re: Claim 1, a receiving apparatus comprising: receiving means for receiving broadcast content (Russ et al., para. 0003, 0029); guide information producing means for producing guide information on the broadcast content and for outputting the guide information to a display device (Russ et al., Abstract; para.0025,0026; Fig. 6); relevant information acquisition means for acquiring, via a network, relevant information on an operation for receiving the broadcast content by the receiving means (Russ et al. para. 0004, 0043; Fig. 6); and control means for controlling the guide information producing means so as to change a display mode of the guide information in accordance with the relevant information acquired by the relevant information acquisition means (Russ et al. para. 0043; Fig. 6).

Re: Claim 2, a receiving apparatus according to claim 1, wherein the relevant information comprises information required for receiving a predetermined type of broadcast content from among a plurality of types of broadcast content (Russ et al. para. 0004 teach that the set-top terminal (STT) includes software necessary to provide various services and functionality), and wherein the control means controls the guide

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information producing means so as to display guide information on the predetermined type of broadcast content (Russ et al. para. 0043; Fig. 6).

Re: Claim 3, a receiving apparatus according to claim 2, wherein the relevant information is a software module for receiving the predetermined type of broadcast content (Russ et al. para. 0004, teach that the STT includes software necessary to provide various services and functionality).

Re: Claim 4, a receiving apparatus according to claim 2, wherein the plurality of types of broadcast content are distributed from respective types of media (Russ et al., para. 0029).

Re: Claim 5, a receiving apparatus according to claim 4, wherein the plurality of types of broadcast content include television broadcast content that is distributed via television broadcast waves (Russ et al., para. 0029) and streaming broadcast content that is distributed via the network (Russ et al., para. 0029), and wherein the receiving means comprises at least one tuner for receiving the television broadcast waves (Russ et al., para. 0034) and communication connection means for connecting to the network (Russ et al., Abstract).

Re: Claim 6, a receiving apparatus according to claim 2, wherein the control means detects the type of broadcast content that is receivable by the receiving means on the basis of the relevant information (Russ et al. teach that various services are made available to the end user (para. 0029), and the fact that the services are subsequently displayed in an interactive program guide (IPG) (para. 0043, 0046; Fig. 6), is evidence that the services have been detected), and wherein the control means controls the guide information producing means so as to change the display mode of the guide information in accordance with the detected results (Russ et al., para. 0043, Fig. 6).

Re: Claim 7, a receiving apparatus comprising: receiving means for receiving broadcast content (Russ et al. para. 0029); relevant information acquisition means for acquiring, via a network, relevant information on an operation for selecting the broadcast content by the receiving means (Russ et al., para. 0004 teach that the software (relevant information) is downloaded and updated via the network); and control means for changing a function of the operation for receiving the broadcast content performed by the receiving means in accordance with the relevant information acquired by the relevant information acquisition means (Russ et al., para. 0034).

Re: Claim 8, a receiving apparatus according to claim 7, wherein the control means changes search functions for a plurality of the broadcast content in accordance with the relevant information (Russ et al. para. 0034,0035,0040, Fig. 6,7/Browse By).

Re: Claim 9, a receiving apparatus according to claim 7, wherein the control means changes a reservation function for receiving the broadcast content in accordance with the relevant information (Russ et al. teach that the STT processes selected real-time signals and/or stored content signals (para. 0032) for both current viewing and reserved future viewing (para. 0043, Fig. 6) by the user.)

Re: Claim 10, a receiving apparatus according to claim 7, further comprising selecting means for selecting desired relevant information from among a plurality of the relevant information (Russ et al. teach that the STT includes a processor (Fig. 2/230 and the software (para. 0004) necessary to provide various services and functionality), wherein the relevant information acquisition means acquires relevant information selected by the selecting means (Russ et al. (para. 0004) teach that the software executed by the STT is downloaded from the network, demonstrating the acquisition of relevant information.).

Re: Claim 11, a receiving apparatus comprising: receiving means for receiving television broadcasts (Russ et al., para. 0029); communication means for receiving streaming broadcasts via a network (Russ et al., para. 0029); guide information producing means for producing guide information for displaying a program guide for television broadcast programs and a program guide for streaming broadcast programs on the same screen (Russ et al., para. 0043; Fig. 6/660); and outputting means for outputting to a display device (Russ et al. para. 0004, 0005) image data on the television broadcasts, image data on the streaming broadcasts, and the guide information (Russ et al., para. 0043; Fig. 6/630,660).

Re: Claim 12, a receiving apparatus according to claim 11, further comprising: selecting means for selecting a desired program using the guide information displayed on the display device (Russ et al., para. 0040, 0043, 0044; Fig. 4,6,7 and 8); and control means for controlling the receiving means, the communication means, and the outputting means so as to output image data on a program selected by the selecting means to the display device (Russ et al., para. 0035,0038 Fig. 2/230).

Re: Claim 13, a receiving apparatus according to claim 11, wherein the guide information producing means produces guide information for displaying the television

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broadcast programs and the streaming broadcast programs in the same format in one program list (Russ et al., para. 0043; Fig. 6/660).

Re: Claim 14, a receiving apparatus according to claim 13, further comprising selecting means for selecting a desired program by moving a cursor image for selecting a display area from among a plurality of program display areas in the program list between display areas of the television broadcast programs and display areas of the streaming broadcast programs (Russ et al. teach a highlighting-type of cursor selection image (para. 0040, 0043; Fig. 4,6-8) of program selections.

Re: Claim 15, a method for receiving broadcast content, comprising: a guide information producing step of producing guide information on the broadcast content and of outputting the guide information to a display device (Russ et al., Abstract; para.0025,0026; Fig. 6); a relevant information acquiring step of acquiring, via a network, relevant information on an operation for receiving the broadcast content by receiving means (Russ et al. teach that the STT (para. 0004) includes software necessary to provide various services and functionality); and a controlling step of controlling guide information producing means so as to change a display mode of the guide information in accordance with relevant information acquired by relevant information acquiring means (Russ et al. para. 0043; Fig. 6).

Re: Claim 16, a method for receiving broadcast content, comprising: a relevant information acquiring step of acquiring, via a network, relevant information on an operation for selecting the broadcast content (Russ et al., para. 0004); and a controlling step of changing a function of the operation for receiving the broadcast content in accordance with the relevant information acquired in the relevant information acquiring step (Russ et al., para. 0032).


Re: Claim 17, a method for receiving television broadcasts by receiving means and for receiving streaming broadcasts by communication means via a network, comprising: a guide information producing step of producing guide information for displaying a program guide for television broadcast programs and a program guide for streaming broadcast programs on the same screen (Russ et al., para. 0043; Fig. 6/660); and an outputting step of outputting to a display device (Russ et al. para. 0004) image data on the television broadcasts, image data on the streaming broadcasts, and the guide information (Russ et al., para. 0043; Fig. 6/630,660).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. SINARS whose telephone number is 571-270-1191. The examiner can normally be reached on M-F (ALT FRI OFF) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU LE can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Sinars/


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PRIMARY EXAMINER